

CPAM 2007-0001, HOUSING POLICIES
Response to Planning Commission Requests/Questions
June 4, 2007 Planning Commission Worksession

PLANNING COMMISSION REQUESTS/QUESTIONS
(May 7, 2007 and May 14, 2007)

RESPONSE

<p>1. How was the unmet housing need range of 0% to 100% determined? Are there gaps (shortages) above 100%?</p>	<p><i>The Housing Advisory Board (HAB) focused on developing information critical to reaching a general understanding of the County's current and projected housing situation, so that appropriate programs can be developed to address the County's affordable housing needs. The HAB contracted with AECOM Consult to develop the data necessary to identify the County's rental and for-sale housing supply and shortages at prescribed income levels. The data also describes the worker in-commuting pattern and the housing need of those workers. AECOM, after distributing households at 10% income increments up to 125% AMI and greater, reviewing the cost and supply of available rental and for-sale units, shows that the deficits occur predominantly in both rental and for-sale options at less than 100% AMI. (See AECOM Report, Question 3, pp. A45 to A56 of the May 2, 2007 Staff Report).</i></p>
<p>2. How does increased density provide housing diversity? Can the policy clarify how affordability is provided with diverse housing types? How is diversity defined?</p>	<p><i>By providing for more housing units per acre, generally the property-owner has more options to consider in the types of housing to produce (recognizing that the regulation must also support a variety of housing types). By encouraging a variety of housing types, the cost of the housing should be varied also to support a diversity of incomes. The market will certainly have the greatest impact on the types of housing that will be produced. Given the high cost of land, by allowing more units per acre, the per unit cost should proportionately be reduced. Diversity can be defined as variety recognizing that a variety of household incomes and types (young professionals, childless couples, empty nesters, single parents, families of any size) have a variety of housing needs. AECOM and Census data show that a future deficit in housing supply will be in multi-family units which are generally associated with higher densities and lower costs. (See pp. A42 of the May 2, 2007 Staff Report) Generally, households with incomes below 50% AMI are not likely to qualify for home purchase loans and will rent housing. (The National Multi Housing Council, in conjunction with the Urban Land Institute and the Sierra Club has produced a presentation entitled "Re-thinking Density" and has offered to provide it to the Commission if desired.)</i></p>
<p>3. What are the success stories from other places? What is the County lacking?</p>	<p><i>There are some general principles for success in addressing a jurisdiction's unmet housing needs that can be gleaned from the many programs throughout the Country to include:</i></p> <ul style="list-style-type: none"> ▪ <i>Using numerous approaches and constantly adjusting them to reflect market conditions</i> ▪ <i>Using public policies, programs and land to leverage private investment</i> ▪ <i>Creating public/private partnerships</i> ▪ <i>Supporting mixed-income communities including market rate units when possible</i>

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	<ul style="list-style-type: none"> ▪ <i>Providing homeownership opportunities and home buyer education</i> ▪ <i>Promoting good design to integrate within existing communities</i> ▪ <i>Linking affordable housing production to new development with inclusionary zoning</i> ▪ <i>Preserving existing affordable housing</i> <p><i>(Attachment 1-H is a sample of best practices entitled "Toolkit for Affordable Housing Development" prepared by the Washington Area Housing Partnership (WAHP). The policy revisions have been drafted considering the need for a broad-based, multiple program approach. Whereas significant funds have been identified to consolidate into Housing Trust Fund, the County lacks a sustainable revenue source for the long term.</i></p>
4. How is the Down Payment and Closing Cost program set up?	<p><i>The County's Down Payment and Closing Cost (DPCC) program, created in February 1995 at the urging of the Affordable Dwelling Unit Advisory Board (ADUAB), provides gap financing for qualified first time homebuyers purchasing either an ADU or an existing home. Funding for the program has been provided by affordable housing proffers. It has been a successful program, assisting approximately 200 homebuyers in the purchase of their first homes, primarily ADU purchasers. Purchasers pay a \$200 servicing fee, put up at least \$1000 towards home purchase, can borrow up to \$10,000 at 3% to cover closing costs and down payments, and are required to participate in a homebuyers education program. The DPCC program has become less useful to homebuyers given the change in lending products since 1998. On April 3, 2007, the Board of Supervisors asked the Joint Trust Fund Committee (made up of ADUAB, HAB, and Industrial Development Authority (IDA) members) to evaluate the program, recommend changes to it so it can be a more responsive loan program given current market trends, and develop specialized products to the workforce.</i></p>
5. How does the trust fund work?	<p><i>The Joint Trust Fund Committee has identified available affordable housing funds and the limitations on their use. (Attachment 1-G). On April 3, 2007, the Board asked the HAB and ADUAB to work together to consolidate available housing funds into the County of Loudoun Housing Trust to allow more opportunity to leverage Federal, State, and private funds and simplify and make more efficient their accounting and administration. (Up to now, the funds have been limited and used predominantly to fund the DPCC program.) The Board also asked that funding priorities; a dispersal process that includes establishing an oversight advisory committee; a universal application coordinated with other County funding programs; and an annual program process be drafted for its consideration. The Joint Trust Fund Committee is considering a variety of fund priorities to include retention/creation of rental and for-sale affordable housing; housing rehabilitation; accessibility improvements; homeownership; land banking; and reduction of development costs.</i></p>
6. Does the ADU bonus density work?	<p><i>Article VII of the Zoning Ordinance allows both by-right and legislative applications that provide Affordable</i></p>

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	<p><i>Dwelling Units (ADUs) to receive a bonus density in order to help the developer recover the costs of providing ADUs. The bonus density applies to the maximum density of the applicable zoning district as well as the upper density limits established in the <u>Revised General Plan</u>. For single family detached and attached developments, a 20% bonus density is allowed when 12.5% of the total units are developed as ADUs. For multifamily developments, a 10% bonus density is allowed when 6.25% of the total units are developed as ADUs.</i></p> <p><i>Since Article VII was first adopted, developers have rarely received approval of rezoning applications that exceed the maximum density permitted by the <u>Revised General Plan</u>, even for the purpose of providing ADUs. Typically, the bonus density has been used in certain parts of the County where lower densities are envisioned (for example, to achieve a density of 2.4 du/acre in the Lower Foley subarea rather than the 2 du/acre that would otherwise be supported). Additionally, by-right applications typically do not achieve the permitted bonus density because of site constraints that limit development potential.</i></p>
<p>7. What tools are currently available? Based on literature/research, what are incentives for the market to create affordability?</p>	<p><i>Local governments can provide a variety of market incentives to encourage developers to provide affordable housing that goes beyond the requirements of the Affordable Dwelling Unit (ADU) Ordinance. These typically include the following, some of which are already implemented in Loudoun County.</i></p> <ol style="list-style-type: none"> <i>1. <u>Bonus Density:</u> Local governments can allow a density bonus above what is normally permitted on a site in exchange for the provision of some below-market rate housing units. In Loudoun County, the bonus density/ADU ratio is currently set at 20% bonus density/12.5% ADUs (single family attached and detached units) and 10% bonus density/6.25% ADUs (multifamily units). However, as discussed above, few developers in Loudoun County have historically taken advantage of the bonus density provisions.</i> <i>2. <u>Waivers or Modifications of Other Zoning Requirements:</u> One of the most basic approaches to making housing more affordable is to lower the costs of producing it. A reduction in the land required for construction, shorter or no setbacks, reduced open space requirements, and flexible parking requirements increases project density and decreases development costs, the savings of which can be passed on to consumers. In Loudoun County, the Zoning Ordinance currently allows projects that provide ADUs to reduce their minimum lot sizes, setbacks, yards and lot widths.</i> <i>3. <u>Fee Waivers:</u> Eliminating or reducing development fees for affordable housing projects can encourage residential developers to build affordable housing and, if the savings are passed on to the buyers or renters, can reduce the actual cost of housing. Loudoun County has a well-established policy of not charging capital facilities for Affordable Dwelling Units (ADUs). This could be expanded to include a similar capital facilities exemption for lower cost housing (e.g., dwellings that are "affordable" but not considered to be ADUs). Additionally, fees for rezoning and by-right applications could be eliminated or reduced when a project includes an affordable housing component.</i>

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	<p>4. <u>Expedited Development Review of Affordable Housing Applications:</u> <i>The adage that time is money is applicable to the field of residential construction. Reducing the costs incurred by developers during the development review process by fast tracking affordable housing applications makes building affordable houses more attractive as a land development option.</i></p> <p>5. <u>Local Tax Abatements:</u> <i>Property tax exemptions could be provided to non-profit and for-profit property owners who make upgrades to their properties. Properties would be assessed at the pre-improvement level for a certain number of years, and thus be subject to lower tax. In return, the property owner would be required to keep some or all of the units affordable to renters at or below 60 percent of area median income. For example, Fairfax County has a preservation tax abatement incentive for owners of older (at least 20 years old) multifamily rental properties. Under this incentive, the tax increase on improvements that raise the property value by at least 25% will be abated for 10 years as long as the rental apartments remain affordable.</i></p>
8. Are small units marketable? How could they be promoted (both apartments and small lots/small houses)? What would need to be in place to facilitate their development?	<i>Response to be provided to the Planning Commission at the June 4, 2007 Worksession.</i>
9. How has housing size changed in the County since 1980? What has the increase in house size been and how does that affect affordability?	<i>Response to be provided to the Planning Commission at the June 4, 2007 Worksession.</i>
10. What is the Loudoun- specific average income?	<i>In 2006, the Loudoun County median household income was \$98,483 and the Loudoun County Median Family Income was \$113,022. These measures do not include workers that commute from outside the County to jobs in the County. A regional measurement such as Area Median Income (AMI) captures those incomes.</i>
11. Is it possible to provide in-home care for the elderly (for those without a family-structure) (reference retirement housing CPAM research. Update on this issue.)	<i>The County operated a housing match program called "Operation Match" over several years. The program enjoyed modest success. It is currently being evaluated for effectiveness and sustainability. Concerns identified with the program include the difficulty in assuring a suitable match between clients seeking home-share services and the home-owner as well as potential liability issues.</i>
12. Which polices are urgent? How can the policies be prioritized since words such as "encourage, support, promote" are used rather than more definitive directive language? Is this a vision of where the County should be are where it is? (Example, the policy should state that public land be used rather than inventoried.)	<i>As evidenced by the principles of best practices, having a variety of approaches is essential since many options should be available for the variety of housing needs facing Loudoun's citizens and workers. For this reason, it would be difficult to prioritize the policies. The use of encourage and promote versus more directive language is at the option of the Planning Commission. The housing polices will provide guidance for program development and in the review of private sector proposals, but is not regulatory.</i>

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<p>13. Are the policies implementable and is there an implementation plan? What programs will be developed from these policies?</p>	<p><i>On April 3, 2007, the Board initiated an integrated, two part strategy to further the County's affordable housing program as follows:</i></p> <p><i>(1) <u>Initiation of a Housing Policy Plan Amendment (CPAM)</u></i></p> <p><i>The Board initiated the CPAM to consider the revision of the County's housing policies to clarify the policy framework for guiding program development and fund disbursement. Highlights of the proposed policy amendments include providing a focus on the continuum of housing need for households with incomes from 0% to 100% of the Washington AMI which would enable the County to expand the beneficiaries of housing programs. Policy changes also call for different program approaches, that include, for example, home-ownership loans and non-cash supply incentives for incomes from 70% to 100% AMI; a combination of public and private financial programs and regulations (i.e., Affordable Dwelling Unit (ADU) Ordinance) for incomes from 30% to 70% AMI; and public and private partnerships to support housing for incomes from 0% to 30%.</i></p> <p><i>(2) <u>Consolidation of Existing Funds to Support a Variety of Programs</u></i></p> <p><i>The Board initiated the consolidation of available housing funds into the County of Loudoun Housing Trust. Central to fund consolidation is the revision of the County of Loudoun Housing Trust agreement to address the broad range of need from 0% to 100% AMI. The original source of most of the funds is from affordable housing proffers, the "cash in lieu" provisions of the ADU Ordinance, and recent sales of ADU rentals converted to condominiums. By broadening the beneficiaries of the Trust, a variety of programs could be supported, such as development of affordable rental housing; the provision of accessibility grants for the mobility impaired to enable them stay in their homes; home improvement loans for neighborhood revitalization; closing costs for critical service workers that are hard to hire due to the lack of affordable housing; and community infrastructure grants to provide indoor plumbing or connections to public facilities.</i></p> <p><i>Specific actions required to consolidate housing funds include:</i></p> <ul style="list-style-type: none">▪ <i>Reform the Belmont Ridge Affordable Housing Trust and transfer funds to the consolidated fund.</i>▪ <i>Amend the County of Loudoun Housing Trust agreement, expanding its guidelines to support a broader set of programs so the fund can be used as the consolidated fund.</i>▪ <i>Transfer proffered funds to the consolidated fund upon Zoning Administrator determination.</i>
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	<ul style="list-style-type: none"> ▪ <i>Establish funding priorities and a fund dispersal process.</i> ▪ <i>Transfer the Housing Fund to the consolidated fund.</i> <p><i>Specific actions associated with existing programs include:</i></p> <ul style="list-style-type: none"> ▪ <i>Develop a community outreach program to explain housing programs to the community.</i> ▪ <i>Establish a program to purchase ADUs that are being foreclosed.</i> ▪ <i>Establish ancillary ADU support programs.</i> ▪ <i>Revise the Down Payment and Closing Cost Assistance Program to be more responsive by changing the amount available, eligibility criteria, and the income levels addressed and include a closing cost program which targets public employees.</i> ▪ <i>Retain funding for the Eastern Loudoun Revitalization Program to keep it operational while revising the program to leverage bank support.</i>
14. How can the County help the family who wrote about displacement and affordability?	<p><i>The Loudoun County Department of Family Services provides services to help residents in need become self-sufficient members of their families and communities to include: arranging for child care, foster care and adoptions; coordinating programs to help elderly residents with shopping, transportation and housework; investigating cases of abuse and neglect; conducting family counseling; providing nutritional and financial assistance to low-income families; and, offering community employment and training services. The Department of Mental Health/Mental Retardation/Substance Abuse Services (MH/MR/SAS) provides services to mentally disabled Loudoun County residents, including mental health/substance abuse outpatient, emergency services, mental retardation case management, job coaching, adult foster care and early intervention programs, residential services and outreach in all three disability areas. The letter received from the family in Purcellville has been forwarded to the Department of Family Services and the Department of MH/MR/SS for action.</i></p>
15. Should Policy #1 include the full gamut of need rather than just workers' need?	<p><i>In 2006, the Loudoun County median household income was \$98,483 and the Loudoun County Median Family Income was \$113,022. These measures do not include workers that commute from outside the County to jobs in the County. A regional measurement such as Area Median Income (AMI) captures those incomes.</i></p>
16. Should there be annual production goal and what should they be?	<p><i>Question 3 of the AECOM study provides an approach to determining an affordable housing production goal.</i></p>

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	<i>(See pp. A55 to A56 of the May 2, 2007 Staff Report.) It is important to be able to measure the success of any program and to ensure its regular review and alteration as needed.</i>
17. Should a broader approach to state enabling legislation to address unmet housing need be initiated? (For example, require workforce housing)	<i>See response to Question 7 above.</i>
18. How will policies affect rural area?	<i>Response to be provided to the Planning Commission at the June 4, 2007 Worksession.</i>
19. How would affordable housing built on public land be integrated in neighborhoods?	<i>Response to be provided to the Planning Commission at the June 4, 2007 Worksession.</i>
20. Is financial assistance to Towns really an option?	<i>The County currently offers financial assistance through the Community Development Block Grant (CDBG) program. Both Leesburg and Purcellville have received funding for projects. The Town of Leesburg is currently drafting an ADU program that the County is considering administering on the Town's behalf. The County and Town are also considering placing the "cash-in-lieu" funds that may be generated from the Leesburg program into the County's Housing Trust for use on Leesburg specific projects. This approach could work for other towns as well.</i>
21. How much usable public land is out there? Where is it? What is it zoned? What could it yield?	<i>Staff is currently reviewing its inventory of vacant, County-owned parcels for future planned uses. A list of parcels that are not planned for future programming by County Agencies is not available at this time. For the Commission's information the following maps are attached (Attachment 1-A): Vacant Land Owned or Leased by Loudoun County, 2006; Loudoun County Owned and Leased Properties: Eastern Loudoun County; Loudoun County Base Zoning Map.</i>
22. What is meant by manufactured housing?	<p><i>Manufactured housing are homes built entirely in the factory, transported to the site, and installed under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety standards (commonly known as the HUD Code) went into effect June 15, 1976 and regulate design and construction, strength and durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating, plumbing, air conditioning, thermal and electrical systems. It is the only federally-regulated national building code. Manufactured homes differ from other portable components as follows:</i></p> <p><i>Modular Homes: These factory-built homes are built to the state or local code where the home will be located.</i></p>

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	<p><i>House components are transported to the site and put together.</i></p> <p><i>Panelized Homes: These are factory-built homes in which panels—a whole wall with windows, doors, wiring and outside siding—are transported to the site and assembled. The homes must meet state or local building codes.</i></p> <p><i>Pre-Cut Homes: This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet state or local building codes.</i></p> <p><i>Mobile Homes: These are homes built entirely in the factory, transported to the site on a chasis that is hidden by skirting to enable the home to be moved again. These homes are built to voluntary industry standards.</i></p>
23. Why didn't the last set of policies get implemented and how will these policies get implemented?	<p><i>The Board of Supervisors has taken significant steps to implement the current housing policies. (Attachment 1-B) Chapter 11 of the <u>Revised General Plan</u> identifies the priority implementation step as the "study, development, and initiation of affordable housing incentives and programs including the establishment of a housing trust fund and housing authority." (<u>Revised General Plan</u>, p. 11-20) In December, 2003 and July, 2004, the Board of Supervisors, based on recommendations of the Economic Development Commission, adopted several initiatives to include establishment of a Housing Advisory Board to support policies and make recommendations for program development; provide the source for study, focus and advocacy; evaluate supply and demand issues; work cooperatively with other jurisdictions to solve regional problem; mobilize business, non-profit, developer and community support to develop and sustain workforce housing programs; and support education on affordable housing initiatives; and the establishment of a Loudoun Housing Trust. On April 3, 2007, the Board set in motion several housing initiatives to further the implementation of existing policies and to modify them to support new initiatives, to include initiation of the CPAM to update housing policies; consolidation and deployment of existing housing funds; and direct the HAB and ADUAB to collaborate on the consolidated trust dispersal process and other programs.</i></p>
24. How will the incentives work?	<p><i>Proposed Policy 5 states "The County will consider establishing incentives, such as density bonuses or transfers; expedited application review; reductions or waiver of permit, development, and infrastructure fees or capital facilities contributions; tax abatements; and zoning modifications to meet annual housing goals and objectives. The intent of the HAB is that a specific process that includes studying a variety of incentives and recommending an incentives program is the appropriate next step to implementing this policy. The Board would need to initiate a process for developing such incentives which could result in changes to County regulatory documents. This type of process would be beyond the scope of a Plan amendment process.</i></p>
25. What are the self-sufficiency statistics referenced in the LARC letter?	<p><i>The Self-Sufficiency Standard for Virginia calculates how much money working adults need to meet their basic needs without subsidies of any kind. Unlike the federal poverty standard, the Self-Sufficiency Standard accounts</i></p>

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	<i>for the costs of living and working as they vary by family size and composition and by geographic location. A description of the assumptions and sources for the self-sufficiency standards can be found in Attachment 1-C.</i>
26. How does Northern Virginia Community College (NVCC) address students with special needs?	<i>A goal of NVCC is that each qualified student have an equal opportunity to pursue a college education regardless of the presence or absence of a disability. NVCC offers numerous accommodations for students with disabilities including providing course program and building modifications and auxiliary services that are necessary to assure equal access. Each campus and Extended Learning Institute has identified one or more staff persons to assist student with needs. Areas of assistance include counseling, registration, special academic needs, and liaison with area rehabilitative service agencies. NVCC also provides Assistive Technology equipment and software designed to address the special needs of persons with disabilities such as hearing, visual, learning, mobility, etc. in order to assist them in the learning processes of higher education and/or career management.</i>
27. Could the Katrina Cottage (900 to 1200 sq. ft.) model work in Loudoun?	<i>Response to be provided to the Planning Commission at the June 4, 2007 Worksession.</i>
28. What's the biggest impediment to affordable housing in Loudoun?	<i>Response to be provided to the Planning Commission at the June 4, 2007 Worksession.</i>
29. Could "empowerment zones" work in Loudoun?	<i>A description of the U.S. Housing and Urban Development Agency Empowerment Zones and Enterprise Communities can be found in Attachment 1-D. Further research is required to determine how these programs might be used in Loudoun County.</i>
30. How could a funding stream for rent subsidies be enacted?	<i>The funding for such a program could come from the trust fund or another fund allocation. For example, a \$1 million Rent Subsidy program could provide 333 families with a \$250 per month rental subsidy for one year.</i>
31. How many original Windy Hill families still live at Windy Hill? How is Windy Hill set up? What does it look like? Who lives there?	<i>There were 9 original families. All remained after renovations were completed 1983-1986. After 25 years, two of those households (now elderly) remain. The Windy Hill Foundation, currently owner of 47 rental units with 20 more about to be under construction, is a 501(c)3 not-for-profit. It has a volunteer Board of Directors of which Joe Boling is President. The Foundation also has a construction arm and an LLC for the purpose of using VHDA tax credits. The Foundation has 10 single family detached houses, 8 duplexes, one 5-unit apartment, and one 16-unit apartment (total 47 units) at three sites in Middleburg. It is about to start construction of a 20-unit elderly project at a fourth adjoining site. Total resident population is 100-110 persons (about 17% of the population of Middleburg) and is roughly divided: 30% children and teens under 18; 55%-60% working adults; and about 10-15% elderly or disabled adults. The Windy Hill Foundation would be pleased to offer the Planning Commission a tour of project. A brochure on the Windy Hill Foundation, that includes some Before-and-After photos, will be provided to the Commission at the June 4, 2007 Worksession.</i>

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32. What is HomeAid and who have they helped in Loudoun? How much money is put into the program by NVBIA?	<i>Response to be provided to the Planning Commission at the June 4, 2007 Worksession.</i>
33. How have we implemented the trust fund and how should we go forward?	<i>Refer to answer to Question 5 above.</i>
34. How effective has the ADU program been?	<i>As of January 1, 2007, 1,105 homes have been sold through the program and, based on rezoning activity, approximately 2,400 additional ADUs will be constructed as those developments are built. The average gross income of an ADU-served household at the time of home purchase is \$39,242. The waiting list for the ADU program includes 272 families. Eligible households must have incomes between 50% - 70% AMI as determined from the Washington Metropolitan Statistical Area (MSA). There are currently 288 ADU apartments for rent and the waiting list for the ADU Rental Program includes 87 families. Eligible households must have income between 30% - 50% AMI.</i>
35. How well does the zoning ordinance comport with the proposed policies? Will there be a need for zoning follow-up?	<i>See attached memorandum from the Zoning Division of the Department of Building and Development, Attachment 1-E.</i>
36. How long does it take to put a voter referendum on the ballot? What does the Code require?	<p><i>Section 24.2-684.1 of the Virginia State Code sets out requirements for voter referendums. A summary of Referendum Provisions can be found in Attachment 1-F.</i></p> <p><i>An important consideration in placing a referendum on the ballot is ensuring that the public has the opportunity to learn comprehensively about the issue. The HAB has not considered the formation of a Housing Authority critical at this time given the momentum initiated by the Board of Supervisors with the housing strategy, the support and use of the authority of the IDA, and the lack of public information about the County's housing issues, that it is not optimum for the County to initiate a referendum as a priority.</i></p>
37. Use a sample project of 50 500 square foot units. How could it be achieved? What needs to be in place to enable it to happen? What are the building and land costs? How much would it cost to rent/own?	<i>Response to be provided to the Planning Commission at the June 4, 2007 Worksession.</i>
38. Is higher density the only option? Are we beyond the point of being able to address the issue?	<i>See response to Question 2 above.</i>